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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,284	11/26/2003	Masashi Nagano	506212001300	5493
25227	7590	02/01/2006	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			JOHNSON, VICKY A	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/721,284	<b>Applicant(s)</b> NAGANO, MASASHI	
	<b>Examiner</b> Vicky A. Johnson	<b>Art Unit</b> 3682	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the front derailleur must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claims 11 and 13 are objected to because of the following informalities: Claims 11 and 13 contain the language of "its". A suggestion of a better term would be "said base member". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is unclear because it is unclear which members are being referred to by "those members".

In claim 12 it is unclear what is meant by "this base member".

Re claim 15, it is unclear how "chains" are part of the rear derailleur. It is also unclear if there are a plurality of chains or a plurality of chain wheels. How does the derailleur replace the chains?

Re claim 16, it is unclear what is being claimed and how a bicycle, or a front chain wheel, or a front derailleur can be part of a rear derailleur.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Huret et al (US 3,677,103).

Huret et al disclose a rear derailleur for a bicycle, comprising: a base member (6) having an installation area for installing to a bicycle body (see Fig 1); a parallel rocking member (9); a pair of parallel cranks (7,8) interposed between said base member and said parallel rocking member (see Fig 1), for constituting an actual parallel link mechanism together with those members (see Fig 1); a guide arm (17<sub>1</sub>) provided on said parallel rocking member so as to be freely rockable around a first rocking axis (14) parallel with a rear wheel axle axis (see Fig 1); a guide sprocket (11) provided on said guide arm so as to be freely rotatable around an axis parallel with said first rocking axis (see Fig 1); a tension arm (18<sub>2</sub>) provided on said parallel rocking member so as to be rockable around a second rocking axis (19) parallel with said rear wheel axle axis (see Fig 1); a tension sprocket (12) provided on said tension arm so as to be freely rotatable around a parallel axis (21) with said second rocking axis; and a biasing spring (20) provided between said tension arm and said parallel rocking member in order to bias said tension sprocket toward the rear of said bicycle (col. 2 lines 72-75).

Re claim 2, wherein a link-rocking axis which said parallel link mechanism rocks is orthogonal to said rear wheel axle axis (col. 2 lines 25-30).

Re claim 3, wherein a link-rocking axis which said parallel link mechanism rocks is inclined toward said rear wheel axle axis (see Fig 1).

Re claim 4, wherein said first rocking axis is located at a side forward of a bicycle as compared with said second rocking axis (see Fig 1).

Re claim 5, wherein the distance on said tension arm between said second rocking axis and an axis of said tension sprocket is longer than that on said guide arm between said first rocking axis and the axis of said guide sprocket see (Fig 2).

Re claim 6, wherein said installation area has a through hole for passing through a fixing bolt when installing to the bicycle body (see Fig 1).

Re claim 12, said installation area is a bracket member (5) independent of said base member body (see Fig 1), and this base member body is pivotally installed to this bracket member (see Fig 1).

Re claim 14, one of said parallel cranks is provided with a cable fixing means for fixing a control cable (unnumbered, see Fig 1).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huret et al (US 3,677,103) in view of Soon (US 6,419,602).

Huret et al disclose a device as described above, but do not disclose a cable pulley provided with a roller bearing for reducing friction due to the rotation over which a control cable is looped rotatably provided relative to said base member, wherein said through hole and said cable pulley are concentric.

Soon teaches the use of a cable pulley (14) provided with a roller bearing for reducing friction due to the rotation over which a control cable is looped rotatably provided relative to said base member, wherein said through hole and said cable pulley are concentric (col. 3 lines 5-15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Huret et al to include a cable pulley as taught by Soon in order to reduce the risk of the pulley detaching from the derailleur.

10. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huret et al (US 3,677,103) in view of Lumpkin (US RE36830).

Huret discloses a device as described above, but does not disclose a cable pulley over which a control cable is looped rotatably provided relative to said base member, wherein said through hole and said cable pulley are offset.

Lumpkin teaches the use of a cable pulley (60) over which a control cable is looped rotatably provided relative to said base member (32), wherein said through hole and said cable pulley are offset (see Fig 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Huret et al to include a cable pulley as taught by Lumpkin in order to reduce the amount of force required for actuation of the cable.

11. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huret et al (US 3,677,103) in view of Savard (US 6,793,598).

Huret discloses a device as described above, but does not disclose a base member pivotally installed to said bicycle body through said through hole and said base member is provided with an adjustable stopper in order to limit its pivot position relative to said bicycle body.

Savard discloses a base member pivotally installed to said bicycle body through said through hole and said base member is provided with an adjustable stopper in order to limit its pivot position relative to said bicycle body.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Huret et al to include an adjustable stopper as taught by Savard in order to optimize alignment of the chain.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.




6,287,228	Ichida	(cable router)
4,637,808	Nakamara	(derailleur)
5,857,932	Sugimoto	(cable router)
3,008,343	Wasley	(bearing)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Vicky A. Johnson  
Primary Examiner  
Art Unit 3682